



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, NY 10007

February 27, 2023

By ECF

The Honorable James L. Cott
United States Magistrate Judge
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007

Re: *International Refugee Assistance Project v. Dep't of Homeland Security, et al.*,
No. 21 Civ. 9519 (JLC) (S.D.N.Y.)

Dear Judge Cott:

We write jointly with plaintiff International Refugee Assistance Project (“IRAP”) to provide a status update in accordance with the Court’s order dated January 30, 2023, Dkt. No. 37. This matter involves Freedom of Information Act (“FOIA”) claims brought against the U.S. Department of State (“State”) and U.S. Citizenship and Immigration Services (“USCIS”) as well as Administrative Procedure Act (“APA”) claims brought against State and the U.S. Department of Homeland Security (“DHS”).

Since the parties’ last status report, Dkt. No. 36, the parties have continued to work towards resolutions of IRAP’s claims and have begun discussion of settlement of three of those claims— involving IRAP’s FOIA requests to State and USCIS and APA claim against State. The parties accordingly propose to provide the Court with a status update on those claims by **April 17, 2023**, if they have not been settled by that time.

However, the parties have reached an impasse on IRAP’s APA claim against DHS. Before proceeding to summary judgment, the parties respectfully request a referral to another magistrate judge of this Court for a settlement conference, so that we can make a final effort to resolve our disagreements. The parties further propose to file a status report within two weeks of that settlement conference to inform the Court whether the matter is likely to settle or, if not, to propose a summary judgment briefing schedule.

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We thank the Court for its attention to this matter.

Respectfully,

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